

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF ILLINOIS (EAST ST. LOUIS)

In Re: RHONDA M BROWN	)	
	)	Case No. 22-30708-lkg
Debtor	)	
	)	Chapter 13
FIRST COMMUNITY CREDIT UNION	)	
	)	Motion No.
Movant	)	
	)	
	)	MOTION FOR RELIEF FROM STAY
	)	

COMES NOW First Community Credit Union ("Movant"), and states:

1. Debtor's Chapter 13 case was filed on October 31, 2022.
  2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Sections 151, 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. 157(b)(2). Venue is proper in this District under 28 U.S.C. Section 1409(a).
  3. Debtor is the owner of the real estate known as 565 Highland Avenue, Alton, IL 62002 (the "Property.")
  4. Movant is the holder of a Mortgage on the Property, recorded on October 19, 2021 as document 2021R43955 in the Madison County Recorder of Deeds Office (the "Mortgage.")
  5. The Mortgage secures a Note dated October 14, 2021 in the original principal amount of \$31,000.00. Movant filed its proof of claim #3-1 on November 8, 2022 in the amount of \$28,243.09 with respect to the Note and Mortgage.
  6. Pursuant to the terms of her confirmed Chapter 13 Plan, Debtor is to make her regular monthly mortgage payments directly to Movant, outside of the Plan. Debtor has failed to make any post-petition mortgage payments to Movant.
  7. Monthly post-petition payments are owing and delinquent for November 1, 2022. The following are the payments that are delinquent as February 10, 2023:

4 monthly payments @ \$503.33	\$2,013.32
3 Late charges @\$14.97	\$ 44.91
Less suspense funds	- \$144.14
Total Arrearages: \$1,824.27	
- An additional late charge of \$14.97 will accrue as of February 15, 2023. The next payment under the terms of the Note will come due as of March 1, 2023 in the amount of \$503.33.

8. In addition to the other amounts due Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred attorney fees in the amount of \$600.00 and costs in the amount of \$188.00. Movant reserves all rights to seek and award or allowance of such fees and expenses in accordance with applicable loan documents and related agreement, the Bankruptcy Code and otherwise applicable law.

9. Good and sufficient cause exists in this case to modify the automatic stay of Section 362 for the reason that"

- a. Post-petition payments to First Community Credit Union have not been paid by the Debtor.
- b. First Community Credit Union does not have adequate protection for its interest in said real estate.
- c. If First Community Credit Union is not permitted to foreclose its security interest in said real estate, it will suffer irreparable injury, loss and damage.

10. Movant requests waiver of the 14-day stay provision of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, First Community Credit Union prays this Court enter an order granting relief from the automatic stay to enable Movant to exercise any and all rights provided under non-bankruptcy law and as set forth in the Note and Mortgage, including but not limited to foreclosure of the Property, and to exercise its rights under state law to obtain possession of the Property, and waiving the 14-day stay provision of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure, and for such other relief as may be just and proper.

#### **SUMMARY OF EXHIBITS & CERTIFICATE OF SERVICE**

The following exhibits referenced in the attached pleading are available upon request from the undersigned. The Exhibits listed herein were physically served upon the Trustee and Debtor's counsel on February 10, 2023:

1. Note and Mortgage

KRAMER & FRANK, P.C.

By: /s/ Pamela B. Leonard

Pamela B. Leonard #37037

Attorney for First Community Credit Union

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed electronically on February 10, 2023 with the U.S. Bankruptcy Court and has been served on the parties in interest via email by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing was filed electronically with the U.S. Bankruptcy Court and has been served by Regular U.S. Mail Service, first class, postage prepaid, addressed to the parties listed on the Court's Manual Notice List and listed below on February 10, 2023:

Rhonda M. Brown, Debtor, 565 Highland Avenue, Alton, IL 62022

/s/ Pamela B. Leonard